

Exhibit 361

(Filed Under Seal)

1

2 * H I G H L Y C O N F I D E N T I A L *

3 UNITED STATES DISTRICT COURT

4 SOUTHERN DISTRICT OF NEW YORK

5 THE PEOPLE OF THE STATE OF NEW YORK, by
6 and through ERIC T. SCHNEIDERMAN, Attorney
7 General of the State of New York,
8 Plaintiff,
9 -against-
10 ACTAVIS, PLC and FOREST LABORATORIES, LLC,
11 Defendants.

12 Civil Action File No. 14-CV-7473

13

14 November 7, 2014

15 9:39 a.m.

16

17 ** HIGHLY CONFIDENTIAL **

18

19 DEPOSITION of WILLIAM MEURY,
20 taken by Plaintiff, pursuant to Notice,
21 held at the offices of STATE OF NEW YORK
22 OFFICE OF THE ATTORNEY GENERAL, 120
23 Broadway, New York, New York before Wayne
24 Hock, a Notary Public of the State of New
25 York.

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1 W. Meury -- HIGHLY CONFIDENTIAL
 2 scheme from plan to plan changes pretty
 3 routinely, Namenda XR is on a tier two
 4 position on most formularies, which is
 5 comparable to Namenda IR.

6 Q. And how did you convince the
 7 plans to do that?

8 A. When you approach any plan on
 9 any new product, there's a three-step
 10 process. The first step is to present all
 11 the scientific data, and that's generally
 12 done by a medical director or by a medical
 13 science liaison or an ESA we refer to
 14 them.

15 The next step is our regional
 16 account managers will have a business
 17 discussion with the health plan. As you
 18 know, health plans demand discounts and
 19 they can demand very, very steep
 20 discounts, and in this case they did.

21 And then the final step is to
 22 negotiate a contract and finalize the
 23 contract. And the process for XR was
 24 exactly the same as it was for IR and
 25 frankly for all the new products that

22

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 2 we've launched over the years.

3 Q. Did you give a higher discount
 4 on XR than you did on IR to the plans?

5 A. In some cases, yes. The average
 6 selling price for Namenda XR is at a
 7 [REDACTED] percent discount to Namenda IR.

8 Q. Why did the health plans demand
 9 such a huge discount?

10 MR. TOTO: I object to form.
 11 Go ahead.

12 Q. Why did the health plans demand
 13 a discount of that size?

14 A. They demand a discount today for
 15 every product and they have a great deal
 16 of leverage. If you know anything about
 17 the system, there's a great deal of
 18 pressure on all parties in healthcare and
 19 so they negotiated for a very steep
 20 discount.

21 Q. What motivated Forest to agree
 22 to give health plans a steeper discount on
 23 XR than IR?

24 MR. TOTO: I object to form.
 25 A. There are a lot of factors that

23

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 2 go into this. But we started several
 3 years ago with a plan to introduce Namenda
 4 XR and we contemplated a fixed dose
 5 combination of Namenda and Aricept. And
 6 so we're -- like in other categories that
 7 we're in, we're making an investment in
 8 Alzheimer's disease. And when we develop
 9 these new products, we want them to be
 10 added to formulary so that patients can
 11 access them. And the system favors the
 12 health plans, at least in my view, and you
 13 start where they start and we have a
 14 normal business negotiation and that's
 15 why.

16 Q. Forest makes IR and Forest makes
 17 XR, right?

18 MR. TOTO: I object to form.

19 A. That's -- we manufacture both
 20 products, that's correct.

21 Q. And when I use Forest, I am
 22 using it interchangeably now with Actavis
 23 for purposes of this deposition.

24 Do we understand that?

25 A. I understand that, yes.

24

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2 Q. Okay.

3 Why did Forest want to promote
 4 XR over IR?

5 MR. TOTO: I object to form.
 6 Assumes facts. Lacks foundation.

7 A. Yeah, I think there are -- there
 8 are several reasons that we focused on XR
 9 over IR.

10 The first and most obvious one
 11 is it's a better product. When you think
 12 about BID versus QD or once a day over
 13 twice a day, when you think about the fact
 14 that we're able to demonstrate the effects
 15 of the drug cognition and function with
 16 multiple medications for Alzheimer's
 17 disease is not just Aricept or when you
 18 think about the administration option of
 19 opening the contents of the capsule for
 20 those that are -- have difficulty
 21 swallowing, it was simply a better
 22 product.

23 The other reason that we wanted
 24 to focus on XR is if we had both products
 25 on the market, physicians, pharmacists,

25

7 (Pages 22 to 25)

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